IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH

S.B. CIVIL WRIT PETITION NO.2938/07

Must. Patasi & Ors.

Versus

Board of Revenue & Ors.

DATE OF ORDER :: 24/04/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr. Rajdev Tripathi, for petitioners

***

A suit for declaration, injunction and partition has been filed by petitioners along with application for temporary injunction before the learned authority.

Initially, ex-parte order was passed in favour of petitioners and which was extended from time to time, but the respondents being aggrieved of the said interim order preferred appeal and it appears that ex-parte order was passed vide order Ann.4 dated 28th October, 2006. Petitioners after service of notice have submitted their reply before the learned Appellate Authority and final order, according to counsel on the appeal preferred by respondents, is yet to be passed. Pending final order to be passed by the Appellate Authority in Appeal No.88/06, petitioners simultaneously filed revision petition against ex-parte order before the Board of Revenue, Ajmer which was dismissed on 21st February, 2007.

Only objection raised by petitioners before the Board of Revenue was that appeal preferred by respondents against ex-parte order is not maintainable which has been rejected under the order impugned Ann.6 dated 21st February, 2007.

In my considered opinion, the order against which revision petition was preferred by petitioners was an interim order and the Appellate Authority is still to examine the appeal preferred by respondents on merits, according to petitioners, which is still pending and final orders have not been passed.

I do not find any error committed by the Board of Revenue in rejecting their revision petition, particularly, in the facts of instant case when the matter is still sub judice before the Appellate Authority in regard to interim order passed on 28th October, 2006.

Consequently, I find no force in the writ petition, same stands dismissed.

[AJAY RASTOGI],J.

FRBOHRA,JR.P.A.